

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN MARVIN OLD CHIEF,

Defendant.

CR-16-38-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 12, 2021. (Doc. 38.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 12, 2021. (Doc. 33.) The United States accused Old Chief of violating his conditions of supervised release 1) by possessing a firearm; 2) by using methamphetamine on two separate

occasions; and 3) by failing to report to his probation officer as directed on two separate occasions. (Doc. 31.)

At the revocation hearing, Old Chief admitted that he had violated the conditions of his supervised release by 1) by using methamphetamine on two separate occasions; and 2) by failing to report to his probation officer as directed on two separate occasions. The Court dismissed alleged violation 1 on the government's motion. (Doc. 33.) Judge Johnston found that the violations Old Chief admitted proved to be serious and warranted revocation, and recommended that Old Chief receive a custodial sentence of 60 days, with 34 months of supervised release to follow. Old Chief should serve the first 60 days of supervised release in a secure inpatient drug treatment facility. Old Chief was advised of the 14 day objection period and his right to allocute before the undersigned. (Doc. 33.)

The violations prove serious and warrants revocation of Aimsback's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 38) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant John Marvin Old Chief be sentenced to a period of custody for 60 days with 34 months of supervised release to follow. Old Chief

should serve the first 60 days of supervised release in a secure inpatient drug treatment facility. This sentence should run concurrent with the sentence imposed in CR-16-48-BMM.

DATED this 28th day of January, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court

